IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5410 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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ROHINI FABRICATORS LTD.

Versus

UNION OF INDIA

Appearance:

MR VIJAY NAIR for Petitioner No. 1-2

MR DN PATEL, learned senior Central Government Standing counsel for respondents.

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE N.G.NANDI

Date of decision: 18/07/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

Rule. Mr. D.N.Patel waives service of rule on behalf of respondents.

Learned counsel for the petitioners has submitted that petitioners' appeal alongwith stay application against the order dated 28.2.2001 issued on 5.3.2001 by the Commissioner of Customs and Central Excise, Ahmedabad -I is pending before the Customs, Excise and Gold (Control) Appellate Tribunal at Mumbai.The said Appeal is pending before the CEGAT as was filed on 4.6.2001. While no orders are being passed in Appeal or in the stay Application, coercive steps are being taken for the recovery of the dues during the pendency of the aforesaid Appeal alongwith the stay Application. Mr.D.N.Patel has submitted that no coercive steps whatsoever have been taken so far. It has also been pointed out that CEGAT is at present not working to its full strength. In the facts and circumstances of this case, we direct that until the application for stay submitted by the petitioners is heard and any orders are passed therein, the respondents - authorities shall not take any coercive steps for the recovery of the amount in question payable by the petitioners under the impugned order. The CEGAT i.e. Appellate Authority is also directed to decide and dispose of the stay application in the pending Appeal as expeditiously as possible and preferably within a period of 8 weeks from today. Period of 8 weeks has been granted because the CEGAT is not working to its full strength and because one of the Benches of CEGAT is not functioning for past few months.

This petition is allowed to the limited extent, as above, and the rule is also made absolute accordingly. No order as to costs. Direct service today.

(M.R.Calla,J)

(N.G.Nandi,J)